

## **REMARKS**

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 1, 2, 4, 5, 8, 10-17, 19-33 and 36-38 remain pending in the present application, including independent claims 1, 10, 21 and 23. The claims are directed to a carton adapted for storing and displaying stacked sheet material, are directed to a sheet material dispenser, and are directed to a system for transporting and displaying sheet material in a 3-sided carton.

In the Final Office Action, claims 8, 12-14, 22, 23, 25, and 30 were rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully submits that claims 8, 12-14, 22, 23, 25, and 30 are in compliance with 35 U.S.C. § 112, and point to application page 12-13 for the disclosure of the subject matter covered by claims 8, 12, 25 and 30. Specifically, in one embodiment, the sidewalls can be in a slightly canted position in which they lean slightly towards each other and are capable of applying a slight restraining force to stacked sheet materials. Application, Page 12, Lines 13-19.

Also, Applicant respectfully submits that claims 13, 14, 22, and 23 are definite as to the sheet material. For example, in Figure 1 and in Figure 8, sheet material is shown in association with the carton device. Also, as explained on Page 12-13, in one embodiment, the sidewalls can be in a slightly canted position in which they lean slightly towards each other and are capable of applying a slight restraining force to stacked sheet materials. For instance, this tensioning force can serve to grip the napkins firmly. Application, Page 13, Lines 1-2.

If Examiner Tran continues to have issues with the manner in which claims 8, 12-14, 22, 23, 25, and 30 are presented, he is invited and encouraged to telephone the undersigned so that this particular issue may be discussed and resolved.

In the Office Action, claims 1, 2, 5, 10, 11, 19, 21, 22, 31-33 and 36-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,884,767 issued to Peng. Peng is directed toward a keypad packaging box having at least one respective pair of retainer strips adapted to secure the first bottom panels in a **double bevel configuration**. See, Peng, Col. 2, Rows 3-10 and 56-60 and Fig. 5.

Furthermore, Peng discloses a structure which not include nor suggest all of the claimed elements of the present invention. For instance, the Office Action states that Peng discloses that the “tray has a bottom wall panel (12) ... and a first inner sidewall (24), the first inner sidewall (24) being folded over and placed upon the first outer sidewall (15) such that a surface of the first inner sidewall lies adjacent to and is in contact with an opposing surface of the first inner sidewall ... and a first arch (18) locate[d] on the first inner sidewall having a perforation line.” However, Applicant respectfully disagrees with this analysis of the structure disclosed in Peng. For instance, the structure that the Office Action describes as the first arch (18) is not located on what is described as the inner side wall (15), but is located on a top wall. Thus, Applicant submits that independent claims 1, 10, and 21 are not anticipated by Peng.

Also in the Office Action, claims 1, 2, 5, 10, 11, 19, 21, 22, 31-33, and 36-38 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4, 230, 258 issued to Lane, or obvious in view of Lane and other references. However, Applicant submits that the configurations required by independent claims 1, 10, and 21 are not disclosed or suggested in Lane either alone or in combination with the other two cited references.

For instance, Lane discloses and teaches a package that includes side walls in a **triangular configuration**. The triangular configuration is necessary in Lane in order for the package to hold jars or bottles. Further, since the panels 11 in Lane are positioned on the panel 3 in between the second and third panels 4 and 5, it is not possible for the panels 4 and 5 to be placed upon each other so that the panels lie adjacent to each other and are in contact with each other along opposing surfaces.

The Office Action states that in Lane, Figure 2 “illustrates a first outer sidewall (4) and a first inner sidewall (11), the first outer sidewall (11) being folded over and placed upon the first outer sidewall (4) such that a surface of the first outer sidewall (4) lies adjacent to and is in contact with an opposing surface (19) of the first inner sidewall. However, Applicant respectfully disagrees with this interpretation of the disclosure in Lane. For instance, Lane describes label 19 as a curved corner, not a sidewall. Col. 2, Rows 49-52. Also, what the Office Action describes as the first outer sidewall (4) cannot lie adjacent

to and be in contact with an opposing surface of the first inner sidewall (11) because these surfaces are actually perpendicular to each other, as shown in Figure 2 of Lane.

In stark contrast, independent claims 1, 10 and 21 state that at least the first inner side wall is folded over and placed upon the first outer side wall such that a surface of the first outer side wall **lies adjacent to and is in contact with an opposing surface** of the first inner side wall. Emphasis added. As such, the above configuration is not disclosed or suggested in Lane either alone or in combination with the other cited references.

As stated above, independent claim 21 was rejected over Lane in view of Meller and Miller. Meller, however, similar to Lane teaches a merchandise holder having triangular shaped side walls. Specifically, each side wall in Meller includes a wall 9 that is spaced from a bracing wall 17. The holder includes portions 18 that are folded below the bottom panel. As described in Meller in column 2, the bracing walls are only secured to the floor section to allow partial flexing of the side walls when the device is holding bottles, cans and the like. Thus, Meller also fails to disclose or suggest the invention defined in claims 1, 10 and 21.

The remaining reference cited against claim 21, Miller, merely discloses the use of a tray and therefore does nothing to cure the above noted deficiencies of the other two references. As such, it is submitted that claim 21 patentably defines over all three references in combination.

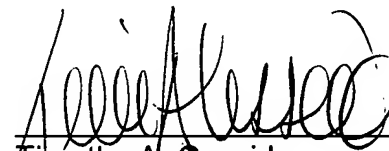
The remaining independent claim in the present application, claim 23 is directed to a system for transporting and displaying sheet material in a 3-sided carton. The carton includes a bottom panel joined to a first side wall and a second side wall. A sheet material is stacked upon the bottom panel. Claim 23 requires that the system include a removable outer protective wrap that is configured to encase and surround the carton. As now amended, claim 23 further requires the sheet material to comprise a plurality of napkins.

In stark contrast to claim 23, none of the three references cited in the Office Action, Lane, Meller or Miller, disclose a carton containing a plurality of napkins in a stacked configuration. Miller merely discloses a thick layer of wood fluff 20 and a tissue-like paper wadding 21. Since none of the references disclose or suggest a carton containing a plurality of stacked napkins, Applicant submits that claim 23 also patentably defines over the cited references.

The Examiner's attention is also directed to each of the dependent claims contained in the currently pending application. Many of the claimed features are also not disclosed or suggested in the cited references. For instance, none of the references disclose or suggest the subject matter defined in claims 33 and 38.

In summary, it is believed that the claims as currently amended patentably define over the prior art of record. Favorable reconsideration and a notice of allowance are respectfully requested. Should any issues remain after consideration of this amendment, however, then Examiner Tran is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

  
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